

## AN ACT

ENTITLED, An Act to define a multidistrict, career and technical academy and to provide provisions for the establishment of such an academy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-39-1.2 be amended to read as follows:

13-39-1.2. Terms used in this chapter, mean:

- (1) "Adult vocational education," the training provided to upgrade or update the occupational skills of persons who are preparing to, or have already, entered an occupation;
- (2) "Center board," the governing body of a multidistrict, career and technical academy;
- (3) "Division," the Division of Education Services and Resources of the Department of Education;
- (4) "Facilities," buildings, rooms, property, and permanent equipment, including vehicles, used to provide vocational education;
- (5) "LEA," a local education agency limited to public school districts and the legal entities that a school district is authorized to establish;
- (6) "Multidistrict, career and technical academy," an educational entity designed to provide career and technical education and academic courses that prepare youth for a wide range of careers that require varying levels of education;
- (7) "Multi-use facility," a structure or part of a structure for student or faculty use as a lounge area, cafeteria, classroom, or large group area not operated as a student union building in which student fees are charged and utilized to pay for construction and maintenance of a facility under the direct or indirect control of the students;
- (8) "Participating district," a school district which has voting representation on a center board;
- (9) "Postsecondary technical institute," a public nonprofit school legally authorized to provide

public postsecondary technical education which does not culminate in a baccalaureate degree at that school;

(10) "Secretary," the state secretary of education;

(11) "State board," the South Dakota Board of Education;

(12) "Vocational education," organized programs at the secondary, postsecondary, or adult levels directly related to the preparation of individuals for paid or unpaid employment, or for the additional preparation for a career requiring other than a baccalaureate or advanced degree.

Section 2. That § 13-39-41 be amended to read as follows:

13-39-41. The school boards of two or more school districts may submit to the South Dakota Board of Education a proposed plan to establish a multidistrict, career and technical academy. The proposal shall be consistent with the state plan for vocational education and shall meet the rules as adopted by the state board pursuant to chapter 1-26.

Section 3. That § 13-39-42 be amended to read as follows:

13-39-42. When the state board receives a proposed plan to establish a multidistrict, career and technical academy, the board shall examine the plan and may conduct hearings to receive evidence pertaining to the proposed multidistrict, career and technical academy. The state board may approve or disapprove the proposed plan.

Section 4. That § 13-39-43 be amended to read as follows:

13-39-43. After approval of a plan pursuant to § 13-39-42, all participating school districts of a multidistrict, career and technical academy shall enter into an agreement of participation which must receive a vote of approval by the school board of each participating school district. Prior to the effective date of an approved plan, each participating school board shall adopt a resolution of agreement and shall publish the resolution once in the official newspapers of each participating

school district.

Section 5. That § 13-39-44 be amended to read as follows:

13-39-44. A center board shall organize and administer a multidistrict, career and technical academy. A center board shall consist of at least five members but not more than a total of one member for each participating district, except that each participating school district with five hundred or more students is allowed one member for each five hundred students or fraction thereof not to exceed three members from any one school district. Center board members shall be members of the school boards of the participating school districts as appointed by their respective school boards.

Section 6. That § 13-39-45 be amended to read as follows:

13-39-45. If four or less school districts comprise a multidistrict, career and technical academy, and if enrollment within the school districts is insufficient to provide five members in accordance with § 13-39-44, the boards of the school districts shall agree upon the number and manner of selection of members of the center board and shall submit their plan of selection for approval or disapproval to the state board pursuant to § 13-39-41.

Section 7. That § 13-39-53 be amended to read as follows:

13-39-53. Multidistrict, career and technical academies are subject to the rules adopted by the state board pursuant to chapter 1-26 and to applicable statutory requirements of school districts. A center board has the same power, authority, responsibility, and obligations as a school board, except for the authority to levy taxes and to issue bonds. All state statutes relating to educational financial activities and other educational activities apply to multidistrict, career and technical academies unless otherwise prohibited by §§ 13-39-41 to 13-39-64, inclusive.

Section 8. That § 13-39-54 be amended to read as follows:

13-39-54. A center board may not issue bonds or levy a tax on its behalf. The participating school

districts may provide funds for the purpose of construction, purchase, and lease of equipment and facilities. A participating district may make payments to a center board for the participating district's share of expenditures made by the center board pursuant to § 13-16-6 from the participating district's capital outlay fund. All expenditures of this type made by participating districts prior to the effective date of this statute are ratified. A center board shall acquire by assessment of the participating school districts the necessary funds for the conduct of the vocational programs, services and other expenses of the multidistrict, career and technical academy.

Section 9. That § 13-39-56 be amended to read as follows:

13-39-56. The secretary of education shall apportion and distribute funds made available to multidistrict, career and technical academies to assist in defraying instructional costs. The use of these funds is subject to the state plans for vocational education and to rules adopted by the South Dakota Board of Education pursuant to chapter 1-26.

Section 10. That § 13-39-57 be amended to read as follows:

13-39-57. Funds distributed to the multidistrict, career and technical academies under the provisions of § 13-39-56 are paid out of money appropriated to the division and from federal funds allotted to the State of South Dakota for the purposes of vocational education.

Section 11. That § 13-39-62 be amended to read as follows:

13-39-62. A school district may withdraw from a multidistrict, career and technical academy if the school board submits a resolution to that effect to the center board and if the center board approves the resolution. If the resolution to withdraw is not approved by the center board, the school board of the district seeking the withdrawal may refer the question to a vote of the people. The form of the ballot question shall be "shall (school district name) continue as a participating member of (multidistrict, career and technical academy name)?" If a majority of the total number of votes cast on the question is not in favor of continuing participation in the multidistrict, career and technical

academy, the school district shall terminate its participation in the multidistrict, career and technical academy at the end of the next school fiscal year or on a date determined by the center board. Withdrawal of a district from a multidistrict, career and technical academy does not affect the liability of the withdrawing school district or its share of outstanding obligations incurred prior to the submission of the resolution of withdrawal provided for in this section. However, the withdrawing school district abandons any interest it has in the multidistrict, career and technical academy's assets.

Section 12. That § 13-39-64 be amended to read as follows:

13-39-64. The center board may adopt rules, pursuant to chapter 1-26, pertaining to the creation, dissolution, operation, control, supervision, and approval of multidistrict, career and technical academies in South Dakota.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1044

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1044  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State